

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 159.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 7, “Child Support Collection Procedures,” Iowa Administrative Code.

The proposed amendments authorize licensing sanctions for the collection of a debt placed with the centralized collection unit of the Department of Revenue. These sanctions are required under Iowa Code chapter 272D. Citations to the Iowa Rules of Civil Procedure are also updated.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 7, 2010. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or E-mail to Margaret.Thomson@IowaAgriculture.gov.

These proposed amendments are subject to the Department’s general waiver provision.

These amendments are intended to implement Iowa Code chapter 272D.

The following amendments are proposed.

ITEM 1. Amend **21—Chapter 7**, title, as follows:

CHILD SUPPORT COLLECTION PROCEDURES

ITEM 2. Amend rule 21—7.1(159,252J) as follows:

21—7.1(159,252J,272D) Licensing actions. In addition to other reasons specified by statute or rule, the department may refuse to issue a license or permit, or may revoke, suspend, or not renew any license or permit for which it has jurisdiction if the department is in receipt of a certificate of noncompliance from the child support recovery unit; pursuant to the procedures set forth in Iowa Code ~~Supplement~~ chapter 252J or from the centralized collection unit of the department of revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

An applicant, licensee, or permit holder whose application is denied or whose license or permit is denied, suspended, or revoked because of receipt by the department of a certificate of noncompliance issued by the child support recovery unit or by the centralized collection unit of the department of revenue shall be subject to the provisions of rule 21—7.1(159,252J,272D). ~~and~~ The procedures specified in 21—Chapter 2 for contesting departmental actions shall not apply.

ITEM 3. Amend rule 21—7.2(159,252J) as follows:

21—7.2(159,252J,272D) ~~Child support collection~~ Collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance pursuant to Iowa Code ~~Supplement~~ chapter 252J or 272D.

7.2(1) The notice required by Iowa Code ~~Supplement~~ section 252J.8 or 272D.8 shall be served upon the applicant, licensee, or permit holder by restricted certified mail, return receipt requested, or personal service in accordance with ~~Rules~~ Iowa Rule of Civil Procedure ~~56.1~~ 1.305. Alternatively, the applicant, licensee, or permit holder may accept service personally or through authorized counsel.

7.2(2) The effective date of revocation or suspension of a license or permit or the denial of the issuance or renewal of a license or permit, as specified in the notice required by Iowa Code ~~Supplement~~

section 252J.8 or 272D.8, shall be 60 days following service of the notice upon the licensee, permit holder, or applicant.

7.2(3) Applicants, licensees, and permit holders shall keep the department informed of all court actions. ~~and Applicants, licensees and permit holders shall also keep the department informed of all child support recovery unit actions taken under or in connection with Iowa Code Supplement chapter 252J or of all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D. and~~ Copies shall ~~provide~~ be provided to the department ~~copies~~, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code Supplement section 252J.9 or 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit ~~or withdrawals of certificates of noncompliance by the centralized collection unit.~~

7.2(4) All departmental fees for applications, license renewals or reinstatements must be paid by the applicant, licensee, or permit holder before a license will be issued, renewed or reinstated after the department has denied the issuance or renewal of a license or has suspended or revoked a license or permit pursuant to Iowa Code Supplement chapter 252J or 272D.

7.2(5) If an applicant, licensee, or permit holder timely files a district court action following service of a department notice pursuant to Iowa Code Supplement sections 252J.8 and 252J.9 or 272D.8 and 272D.9, the department shall continue with the intended action described in the notice upon receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a license or permit, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

ITEM 4. Amend **21—Chapter 7**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement ~~chapter~~ chapters 252J and 272D.